

Remarks/Arguments

Entry of the present amendment is respectfully requested. It is earnestly believed that the present amendment places the application in condition for allowance and, thus, entry of the amendment is appropriate.

In the Office Action of June 22, 2005, claim 22 was rejected under 35 U.S.C. §102(b) as being anticipated by Navia et al., U.S. Patent No. 6,340,356. Further, claims 1-26 were provisionally rejected under obviousness-type double patenting based on co-pending application Serial No. 10/983,048.

Claim 22 has been amended to more particularly point out and distinctly claim the invention, and to better define the present invention over the prior art references of record. As amended, claim 22 recites directly fluidly connecting the proximal end portion of the cannula to an artery so that the artery automatically supplies oxygenated blood for retroperfusion.

Navia does not disclose fluidly connecting the proximal end portion of the cannula directly to an artery so that oxygenated blood for retroperfusion is automatically supplied by the artery to the cannula, as recited in amended claim 22. Navia does not disclose that the proximal end of intraluminal catheter 10 is fluidly connected to an artery. As best shown in Fig. 1 of Navia, intraluminal catheter 10 has an adapter 14 mounted on the proximal end of the shaft 11 (Col. 4, lines 41-46). However, nothing in Navia discloses that adapter 14 is configured to connect to an artery. In fact, Navia does not explicitly disclose any use for adapter 14. Rather, Navia discloses positioning the occluding member 13 inside the coronary sinus 31 and delivering cardioplegic solution out the perfusion ports 27, at the distal end of

the cannula, for retroperfusing the heart (Col. 7, lines 20-27). Thus, retroperfusion is not performed automatically by an artery, as recited in amended claim 22, since an artery cannot supply cardioplegic solution for retroperfusion. Accordingly, Navia does not disclose each and every element of amended claim 22. Therefore, Navia does not anticipate amended claim 22, and allowance of amended claim 22 is respectfully requested.

With respect to the rejection of claims 1-26 for double patenting, a Terminal Disclaimer is being submitted herewith to overcome the rejection of these claims.

The present amendment was not earlier presented because the applicant felt that the arguments with the response to the Office Action dated January 13, 2005 overcame the rejections of the claims. The present amendment does not raise any new issues and does not require any further searching on the part of the Examiner. The present amendment is necessary to write claim 22 so as to more clearly overcome the §102(b) rejection cited by the Examiner, and to submit the enclosed Terminal Disclaimer. The present amendment places the application in condition for allowance and is believed to be clearly appropriate.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard S. Wesorick', is written over a horizontal line.

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